

DEPARTMENT OF HEALTH SERVICES

TOXIC SUBSTANCES CONTROL DIVISION (REGION 3)

1405 N. SAN FERNANDO BOULEVARD, SUITE 300

BURBANK, CA 91504

Tel: (818) 567-3000



December 13, 1989

CERTIFIED MAIL

Mr. David H. Fell, President
David H. Fell & Co., Inc.
4176 Pacific Way
City of Commerce, CA 90023

Dear Mr. Fell:

REPORT OF VIOLATION AND SCHEDULE FOR COMPLIANCE

On November 9, 1989, Richard Jones, Paul Baranich and Rachel Carlin representing this Department, along with David Baltazar representing the Los Angeles County Department of Health Services (LACDHS) conducted an inspection at your facility located at 4176 Pacific Way in the City of Commerce, California (EPA ID No. CAD981384332).

As a result of that inspection, violations of the hazardous waste statutes and regulations were identified.

The specific violations and required corrective actions are listed below. Failure to correct the identified violations within the schedule provided will result in the Department citing David H. Fell & Co., Inc. (DHF) for continuing/additional violations.

I. VIOLATIONS:

COUNT 1: Health and Safety Code section 25189.2.

Soil sample PBDHF06 taken from a dirt area at the southeast corner of the site near the railroad tracks and wastewater treatment system was found to be hazardous due to total metal concentration, pursuant to title 22, Cal. Code Regs., section 66699.

COUNT 2: Title 22, Cal. Code Regs., section 67120 (a).

The DHF facility was not maintained and operated to minimize the possibility of any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil or surface water which could threaten human health or the environment, to wit: numerous open and/or uncovered containers of slag were being stored in and around the west yard. Samples taken from the ground and from open bins and containers showed that hazardous waste and hazardous waste constituents are not being properly managed. In addition, containers of spent caustic had been overfilled and allowed to spill onto the ground in the wastewater treatment area.

COUNT 3: Title 22, Cal. Code Regs., section 67243 (a).

DHF stored hazardous waste in open and/or uncovered containers, to wit: three open containers of charred and burnt printed circuit boards, three open containers of detergent sludge from the sink trap of a jeweler, an open bin of calcium hydroxide sludge and several open bins of base metal hydroxide sludge. Samples taken from the above containers or bins were found to be hazardous due to total metal concentration.

COUNT 4: Title 22, Cal. Code Regs., section 66508 (c).

DHF stored hazardous waste in containers and bins, identified in Count 3, which were not labeled with all of the required information.

COUNT 5: Title 22, Cal. Code Regs., section 67212 (a).

DHF did not have a written closure plan.

COUNT 6: Title 22, Cal. Code Regs., section 67212 (e).

DHF did not submit its closure plan to the Department 180 days before the date it expects to begin closure. The facility operators stated that they have plans to move from their present location during the month of December 1989 and/or January 1990.

COUNT 7: Title 22, Cal. Code Regs., section 67002.

DHF did not have a written cost estimate of closing the facility.

COUNT 8: Title 22, Cal. Code Regs., section 67103.

DHF did not have a sign with the legend, "Danger Hazardous Waste Area-Unauthorized Personnel Keep Out", in both English and Spanish, posted at each entrance to the active portion of the facility.

COUNT 9: Title 22, Cal. Code Regs., section 67104.

DHF did not develop and follow a written inspection schedule for inspecting monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.

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COUNT 10: Title 22, Cal. Code Regs., section 67105 (4).

DHF did not maintain records that document that the training or job experience required under subsections (a), (b) and (c) of this section have been given to and completed by facility personnel. Since the training plan was just developed, documentation of training has not yet been developed.

COUNT 11: Title 22, Cal. Code Regs., section 67126.

DHF has not made arrangements to familiarize emergency response teams with the layout of the site, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility and possible evacuation routes. In particular, the Los Angeles County Department of Health Services is not included in its contingency plan.

COUNT 12: Title 22, Cal. Code Regs., section 67142.

DHF did not submit copies of its contingency plan to all local police departments, fire departments, hospitals and state and local emergency response teams that may be called upon in an emergency. Since the contingency plan was just recently developed copies have not yet been sent.

COUNT 13: Title 22, Cal. Code Regs., section 67102 (b).

DHF has not developed and followed a written waste analysis plan which describes the procedures which will be carried out to comply with subsection (a) of this section.

COUNT 14: Title 22, Cal. Code Regs., section 67166.

DHF did not submit an unmanifested waste report for hazardous waste that was accepted for treatment without an accompanying manifest within 15 days after receiving the waste. Specifically, when the detergent sludge, charred and burnt circuit boards and cyanide wastes were not accompanied by a manifest.

COUNT 15: Title 22, Cal. Code Regs., section 67161 (a)(1).

DHF failed to sign manifest # 87774571 upon its receipt at the facility.

COUNT 16: Title 22, Cal. Code Regs., section 67165.

DHF has failed to prepare and submit to the Department annual reports for the previous three years.

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COUNT 17: Title 22, Cal. Code Regs., section 67165.

DHF did not maintain an operating record which records a description and the quantity of each hazardous waste received and the method(s) and date(s) of its treatment, storage or disposal at the facility; the location of each hazardous waste at the facility and the quantity at each location, including cross references to specific manifest document numbers, if the waste was accompanied by a manifest; records and results of waste analyses performed; records and results of inspections; notices to generators as specified in title 22, Cal. Code Regs., section 67101; and closure cost estimates as required under title 22, Cal. Code Regs., section 67002.

II. SCHEDULE FOR COMPLIANCE:

1. Correct violations upon receipt of this Report.


Please submit a written certification, which contains the language in title 22, Cal. Code Regs., section 66373 (d), to this office by January 13, 1989, that the violations have been corrected. Such certification should address the deficiencies noted in Counts 1 through 17 above.

The Department will conduct a re-inspection of David H. Fell & Co., Inc. to verify compliance.

The issuance of this Report of Violation and Schedule for Compliance does not preclude the Department from taking administrative, civil or criminal action as a result of the violations noted herein.

If you have any questions regarding this Report, please contact Richard Jones at (818) 567-3025.

Sincerely,


Scott Simpson, Chief
Surveillance and Enforcement Unit

SS:RJ:rj

cc: See Next Page

Mr. David H. Fell
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cc: William Soo Hoo, Assistant Chief Counsel
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DEPARTMENT OF HEALTH SERVICES

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NOV 08 1989

M. J. Little
GNB. Incorporated
Post Office Box 64100
St. Paul, Minnesota 55164-0100

Dear Mr. Little:

STATUS OF FINANCIAL RESPONSIBILITY FOR: GNB, INCORPORATED
EPA ID# CAD097854541

We have reviewed the documents submitted to this office by your corporation on behalf of the above-named facility pursuant to the financial responsibility requirements of the California Hazardous Waste Management Program.

The documents reviewed meet all of the criteria required by Article 17, Title 22 California Code of Regulations. As such, the above-named facility is deemed to be in full compliance with these requirements at this time.

We appreciate your cooperation in these matters. If we can be of further assistance, please feel free to contact Richard Castle at (916) 324-2431.

Sincerely,

Lucille van Ommering, Chief
Financial Responsibility Unit
Toxic Substances Control Program

cc: John Hinton
Facility Permit Unit
Region 3

Scott Simpson
Surveillance and Enforcement
Region 3

Arnold Robbins
EPA - Region IX